
TITLE 326 AIR POLLUTION CONTROL DIVISION

CONTINUATION OF SECOND NOTICE OF COMMENT PERIOD

LSA Document #16-209

CROSS-STATE AIR POLLUTION RULE AND CLEAN AIR INTERSTATE RULE REPEAL

PURPOSE OF NOTICE

A Second Notice of Comment Period was published on December 28, 2016, in the Indiana Register (DIN: [20161228-IR-326160209SNA](#)) concerning the addition of [326 IAC 24-5](#), [326 IAC 24-6](#), and [326 IAC 24-7](#) to address the federal Cross-State Air Pollution Rule (CSAPR), and the CSAPR Update Rule for the 2008 Ozone National Ambient Air Quality Standards, and the repeal of the Clean Air Interstate Rule (CAIR) at [326 IAC 24-1](#), [326 IAC 24-2](#), and [326 IAC 24-3](#). In response to requests, the Indiana Department of Environmental Management (IDEM) is providing an additional thirty (30) days for submission of comments on the rulemaking. Comments submitted to IDEM from the original Second Notice of Comment Period are considered part of the formal written comment period. With this notice, IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: June 1, 2016, Indiana Register (DIN: [20160601-IR-326160209FNA](#)).

Second Notice of Comment Period: December 28, 2016, Indiana Register (DIN: [20161228-IR-326160209SNA](#)).

Notice of First Hearing: December 28, 2016, Indiana Register (DIN: [20161228-IR-326160209PHA](#)).

CITATIONS AFFECTED: [326 IAC 24-1](#); [326 IAC 24-2](#); [326 IAC 24-3](#); [326 IAC 24-5](#); [326 IAC 24-6](#); [326 IAC 24-7](#); [326 IAC 26-1-5](#).

AUTHORITY: [IC 13-14-8-7](#); [IC 13-17-3-1](#); [IC 13-17-3-4](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

IDEM is not adding, deleting, or changing the purpose of the rulemaking or draft rule as published at DIN: [20161228-IR-326160209SNA](#). IDEM has developed draft rule language that repeals CAIR and establishes three trading programs for sulfur dioxide, nitrogen oxide (NO_x), and the NO_x ozone season under CSAPR into new state rules at [326 IAC 24-5](#), [326 IAC 24-6](#), and [326 IAC 24-7](#), respectively. Additionally, the reference to CAIR in the Regional Haze rule at [326 IAC 26-1-5](#) has been replaced with CSAPR. IDEM will submit the completed rule to the United States Environmental Protection Agency for approval into Indiana's state implementation plan.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

REQUEST FOR PUBLIC COMMENTS

Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #16-209 CSAPR adoption and repeal of CAIR
Lauren Aguilar
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to laguilar@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is

intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than February 26, 2017. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Lauren Aguilar, Rules Development Branch, Office of Legal Counsel, (317) 234-8559 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rule Development Branch
Office of Legal Counsel

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